



# NASA Policy Directive

**NPD 3213.1**

Effective Date: June 01, 2016

Expiration Date: June 01, 2021

**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

## Subject: Excepted Service Appointments

**Responsible Office: Office of Human Capital Management**

### 1. POLICY

a. This directive sets forth NASA's policies and procedures for appointments to the Excepted Service, as required by 5 CFR parts 213 and 302.

b. It is NASA's policy to:

- (1) Increase employment of individuals with disabilities consistent with existing laws and E.O. 13548.
- (2) Appoint individuals under the NASA Excepted (NEX) Employment authority covered by 51 U.S.C. § 20113 (b) in accordance with the NASA Desk Guide on NEX Employment.
- (3) Require individuals appointed to excepted service positions to serve a trial period consisting of one year for persons who are eligible for veterans' preference for Federal appointment and two years for non-preference eligibles. A trial period applies not only to the individual's first appointment but to any subsequent new appointment to the excepted service.

*Note: Trial periods are not required for appointments to excepted service positions with time limitations or without authority for noncompetitive conversion to competitive appointments (e.g., attorney positions, experts, and consultants).*

- (4) Credit an employee's time spent on an excepted service appointment toward the completion of a probationary period and career or career-conditional tenure upon conversion to a career or career-conditional appointment in the competitive service when the requirements of 5 CFR 315.802 are met.
- (5) Follow the appointment procedures set forth in 5 CFR parts 213 and 302 and Attachment C of this directive when making excepted service appointments covered by 5 CFR 302.101(a).
- (6) Use regulations and procedures set forth in 5 CFR 362 and NASA's Pathways Programs Desk Guide for making Pathways Programs appointments for recruiting and hiring students, recent graduates, and advanced degree candidates.

### 2. APPLICABILITY

- a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers.
- b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.
- c. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

### 3. AUTHORITY

- a. The Excepted Service, 5 U.S.C. 2103.

- b. Employment of Experts and Consultants; temporary and intermittent, 5 U.S.C. 3109.
- c. National Aeronautics and Space Act, Powers of the Administration in Performance of Functions, Officers and Employees, 51 U.S.C. § 20113(b).

#### **4. APPLICABLE DOCUMENTS AND FORMS**

- a. Increasing Federal Employment of Individuals with Disabilities, E.O. 13548.
- b. Excepted Service, 5 CFR part 213.
- c. Employment in the Excepted Service, 5 CFR part 302.
- d. Length of Probationary Period, Crediting Service, 5 CFR 315.802.
- e. Pathways Programs, 5 CFR part 362.
- f. Office of Personnel Management (OPM) Delegated Examining Operations Handbook.
- g. NASA Desk Guide on NASA Excepted (NEX) Employment (Processing and Benefits).
- h. NASA's Pathways Programs Desk Guide.

#### **5. RESPONSIBILITY**

- a. Assistant Administrator for the Office of Human Capital Management (AA, OHCM) is responsible for:
  - (1) Setting Agency policy for excepted service appointments and monitoring program compliance.
  - (2) Reviewing a Center request for authority to pass over a person who is eligible for compensable veterans' preference for a Federal appointment to select a nonpreference eligible, coordinating such request with OPM, and notifying the Center when the request is forwarded to the OPM.
- b. Center Human Resources (HR) Directors or their designees are responsible for:
  - (1) Implementing a proactive outreach program and advising selecting officials on the use of the Schedule A authority for hiring individuals with disabilities.
  - (2) Ensuring that job announcements open to applicants external to the Center workforce contain information on how to apply under the Schedule A authority for hiring individuals with disabilities.
  - (3) Before the effective date of the excepted appointment, informing employees in writing who are currently serving on nontemporary appointments in the competitive service that the acceptance of an excepted service appointment will impact their conditions of employment.
  - (4) Establishing local procedures for accepting, referring, and maintaining resumes from applicants eligible for noncompetitive appointments to ensure proper application of veterans' preference laws.
  - (5) Using the Agency qualification requirements and establishing procedures that ensure proper acceptance, consideration, referral, and documentation when filling attorney positions.
  - (6) Determining, in consultation with the hiring official, to use either the unranked method or the category rating-like method (described in Attachment C) prior to recruitment or the issuance of the vacancy announcement and documenting in the staffing case file with the reason(s) for the method chosen.
  - (7) Implementing the requirements of this directive and maintaining records to document recruitment processes and procedures, receipt of applicant resumes, eligibility and qualification determinations, the application of veterans' preference, availability/consideration of individuals on the priority reemployment list, certification of candidates, and selections.
  - (8) Managing requests to pass over individuals eligible for preference for Federal employment.
- c. Supervisors are responsible for:
  - (1) Supporting the Agency policy of increasing the number of hires of individuals with disabilities by considering candidates eligible for Schedule A authority for vacancies.
  - (2) In the capacity of a hiring official, complying with veterans' preference laws and regulations and providing written documentation of job-related reasons for nonselection of a preference applicant.

#### **6. DELEGATION OF AUTHORITY**

None.

## 7. MEASUREMENT/VERIFICATION

- a. The AA, OHCM will ensure compliance with this directive and applicable laws and regulations on excepted service employment through the periodic evaluation of the Centers' employment programs.
- b. Centers will monitor program compliance by conducting periodic evaluations of their staffing case files.

## 8. CANCELLATION

None.

**/s/ Charles F. Bolden, Jr. Administrator**

## ATTACHMENT A: DEFINITIONS

CP is a term used to describe a veterans' preference group based on a disability rating of at least 10 percent but less than 30 percent.

CPS is a term used to describe a veterans' preference group based on a disability rating of at least 30 percent.

Excepted service consists of civil service positions that are not in the competitive service or the Senior Executive Service.

Pathways Programs, established by Executive Order 13562, provides hiring authorities for recruiting and hiring students and recent graduates. Pathways includes three programs that provide Federal employment opportunities for current students, recent graduates, and individuals who have completed advanced degrees.

Pool of candidates refers to a group of individuals who apply either through a vacancy announcement or are being considered using noncompetitive procedures who are eligible under a specific excepted service hiring authority (e.g., Schedule A authority for appointment of persons with disabilities).

Preference eligible refers to a person who is eligible for veteran's preference for Federal appointment. Veterans' preference applies to most appointments in both the competitive and excepted service. Veterans' preference does not apply to internal agency actions such as promotions, transfers, reassignments, and reinstatements.

Professional and Scientific positions are positions with positive education requirements that OPM has determined can only be performed by individuals who have prescribed minimum education requirements. See OPM's Delegated Examining Operations Handbook, Appendix K, for complete list of position titles and series.

## ATTACHMENT B:

### ACRONYMS

Assistant Administrator (AA)

Code of Federal Regulations (CFR)

Executive Order (E.O.)

General Schedule (GS)

Human Resources (HR)

NASA Excepted (NEX)

NASA Policy Directive (NPD)

NASA Procedural Requirement (NPR)

Office of Human Capital Management (OHCM)

Office of Personnel Management (OPM)

Priority Reemployment List (PRL)

United States Code (U.S.C.)

## ATTACHMENT C:

Guidelines for Excepted Service Appointments

C1. The following guidelines are for HR Professionals making appointments covered by 5 CFR 302.101(a).

- a. Resumes may be accepted through the use of vacancy announcements or noncompetitively (i.e., without the use of a vacancy announcement).
- b. Application of veterans' preference will be made to the pool of candidates (defined in Attachment A). A nonpreference eligible may not be selected over a preference eligible without approval of a pass over request.
- c. Candidates will be rated using either the unranked method or NASA's category rating-like method established under 5 CFR 302.105.
- d. When using the unranked method, only assess applicants for appointment eligibility and minimum qualifications. Preference eligibles are identified on the certificate and referred ahead of nonpreference eligibles. When there are no qualified preference applicants, all qualified applicants are referred.
- e. When using the category rating-like method, establish two or more quality categories and the criteria for placement into each category before starting the recruitment process or issuing a vacancy announcement. Within each category, identify all qualified preference eligibles and place them on the certificate ahead of nonpreference applicants. Place all eligible and qualified preference eligibles with a compensable service-connected disability of 10 percent or more (CPS and CP) in the highest quality category, ahead of all other applicants in that category (they float to the top). Exception for professional and scientific positions (defined in Attachment A) at the GS-9 grade level and above: CPS and CP eligibles do not float to the highest quality category; they are placed ahead of all other applicants within the same quality category.
- f. When using the category rating-like method, selections are made from the highest category. When there are fewer than three applicants in the highest category, the highest and second highest category may be merged. If there are fewer than three applicants in the top two categories, all of the categories may be merged. When merging categories, all preference eligibles, regardless of the category in which they were initially placed, move to the top of the newly merged category.

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